

REMARKS

Applicant respectfully requests reconsideration of this application as amended.

Claim 24 has been amended. No claims have been cancelled. No new claims have been added. Therefore, claims 1-30 are presented for examination.

35 U.S.C. § 103 Rejection

Claims 1-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Achour et al., U.S. Patent No. 6,363,260 (“Achour”) and Jungck et al., U.S. Pub No. 2002/0009079, (“Jungck”).

As an initial matter, Applicant respectfully submits that there is not motivation to combine Achour with Jangck. Achour discloses a “method to enhance *performance of a dual-mode or dual-band mobile telephone* includes, after the phone has initially connected to a CDMA wireless network, *monitoring a level of total power received by the phone*” (Abstract). Jangck, on the other hand, discloses an “apparatus and method for *enhancing the infrastructure of a network such as the Internet*” (Abstract). There is not motivation to combine Achour, which relates to *enhancing mobile telephone performance by monitoring the level of total power received by the phone*, with Jangck, which relates to *enhancing the infrastructure of a network such as the Internet*. Hence, Jangck is not combinable with Achour.

Furthermore, Jangck is irrelevant as to its disclosure, since it does not teach or reasonably suggest any of the limitations missing from Achour. For example, referring to the sections of Achour referenced by the Examiner in the last Office Action (mailed, April 7, 2005), Achour discloses “*a list of preferred service provider systems is kept in a preferred roaming list . . . [t]he preferred roaming list is a list of frequencies and bands in*

different parts of the country" (col. 7, lines 60-64; emphasis provided). Achour further discloses "[t]he mobile phone first determines *whether it is receiving sufficient total power to permit a satisfactory level of performance by the cell phone*. If so, the mobile phone enters the idle state for further monitoring. If not enough total power is reaching the mobile phone, it exists the first service provider system to find a better service provider system" (col. 6, lines 36-41; emphasis provided).

In contrast, claim 1, in pertinent part, recites "generating a preferred list of edge sites from a plurality of edge sites upon receiving a media content request from a client [and] providing the preferred list to the client" (emphasis provided). Achour does not teach or reasonably suggest all the limitations of claim 1. The *roaming list* or the *monitoring of power supply* of Achour is not the same as generating a preferred list of edge sites upon receiving a media content request and providing the preferred list to the client as recited by claim 1. Jangck, like Achour, does not teach or reasonably suggest any of the limitations missing from Achour. Hence, Jangck does not add any relevance to Achour. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claim 1 and its dependent claims.

Claims 11, 14, 17, 20 and 24 contain limitations similar to those of claim 1. Accordingly, Applicant respectfully requests the withdrawal of the rejection of claims 11, 14, 17, 20 and 24 and their dependent claims.

Although Applicant is grateful to the Examiner for consideration of this application (Office Action, mailed 04.07.2005, pages 2), Applicant respectfully submits that the Examiner's rejection of the claims is not sufficient to explicitly show each and every element of each and every claim. See MPEP §2131; see also Chester v. Miller, 906 F.2d 1574, 1578, 15 USPQ2d 1333, 1337 (Fed. Cir. 1990). Applicant respectfully

requests the Examiner to either explicitly illustrate where each and every element of the claims is taught or suggested by the cited references, or indicated allowance of the claims.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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